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Harris et al.
Case No. CE11494R

REMARKS

Reconsideration of the above-referenced application is respectfully requested in view of the above amendments and these remarks. Claims 1-25 are currently pending. It is noted that this Amendment is filed with a Petition to Revive the application for being unintentionally abandoned.

According to the Office Action, claims 15-17 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants note with appreciation that the subject matter of these claims is deemed to be allowable if rewritten to include all limitations of the superseding and rejected claims. Applicants wish to reserve the right to rewrite these claims, should further discussions regarding the base and superseding claims prove unrewarding. Applicants wish to continue prosecuting claims 15-17.

Claim 8 is rejected under 35 U.S.C. § 112, second paragraph for failure to particularly point out and distinctly claim the subject matter that the Applicants regard as the invention. In particular, claim 8 is rejected for containing "for example." Applicants have deleted these words. Accordingly, it is respectfully submitted that claim 8 is distinct and definite, and Applicants therefore request that the rejection under Section 112, second paragraph, is withdrawn.

Claims 1-7, 9-14 and 18-25 are rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 6,904,228 to Rosen. Applicant has amended independent claims 1, 18 and 23 to clarify the claims. The present direction is directed to arbitration decision making of push-to-talk wireless communication sessions. In particular, claims 1, 18 and 23 are directed to the method of identifying the location and the apparatus that makes the arbitration decision of which device has control of a push-to-talk wireless communication session within a talk group. As seen in the claims and as understood through the Specification, a push-to-talk communication session is created between at least two mobile stations. After the push-to-talk communication session is created, at least one subsequent need of the push-to-talk communication of the talk group is determined. Thus, future needs of the communication session are determined. Based

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on that determined need, the physical location or device within the push-to-talk communication system that makes the talker arbitration decisions is identified. The amendment to the claims clarifies that it is the location, such as a network device or the mobile station itself, that will be making talker arbitration decisions that is determined instead of granting a mobile station the ability to talk.

Rosen is directed to a method and apparatus for providing an efficient dormant mode for push-to-talk communication devices in a group communication network that provides for determine whether the network has been inactive for a predetermined first time period and, if so causing each member of the network to enter a control-hold mode, wherein each member of the network maintains its dedicated traffic channel. The citations made in the Office Action in rejecting the claims of the present invention related to the decision of having a transmission privilege, or the floor, of a push-to-talk communication session being granted to one mobile station or another. If a mobile station has transmission privilege or the floor then that means that that user has indicated that they want to talk, that the communication manager has granted the right to that mobile station and that no other mobile station can talk at that time. As can be appreciated, there are numerous ways that granting the floor to the mobile stations within a talk group, and this process can be known as talker arbitration. These decisions in Rosen are made by the communication manager

Rosen, however, does not discuss and is not related to identifying a network location that will perform talker arbitration. In other words, Rosen does not discuss identifying on which device the communication manager will reside by using a need of the push-to-talk communication of the talk group. As required by the claims, subsequent to the establishment of push-to-talk communication session among a talk group, the network location that makes the talker arbitration decisions is identified based on a subsequent need of the communication session. For example, the present invention can determine that a network device or mobile station in geographic proximity to the mobile station that currently has the floor is an appropriate location to make the next talker arbitration decision. Once the location has been identified that will make the talker arbitration decision, that location can make the talker arbitration decisions according to what is disclosed by Rosen.

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The present invention identifies the network location that will make talker arbitration decisions. It does not relate to who has transmission privileges that are the result of the talker arbitration decisions. Thus, it is respectfully submitted that Rosen does not disclose the method and apparatus according to independent claims 1, 18 and 23. Applicants respectfully submit that claims 1, 18 and 23 are not anticipated by Rosen. As claims 2-7, 9-14 depend on claim 1, claims 19-22 depend on claim 18 and claims 24-25 depend on claim 23, Applicants also submit that they are not anticipated by Rosen for the same reasons. Applicants therefore request that the rejection under Section 102(e) be withdrawn.

As the Applicants have overcome all substantive rejections and objections given by the Examiner and have complied with all requests properly presented by the Examiner, the Applicants contend that this Amendment, with the above discussion, overcomes the Examiner's objections to and rejections of the pending claims. Therefore, the Applicants respectfully solicit allowance of the application. If the Examiner is of the opinion that any issues regarding the status of the claims remain after this response, the Examiner is invited to contact the undersigned representative to expedite resolution of the matter.

Please charge any fees associated herewith, including extension of time fees, to 50-2117.

Respectfully submitted,
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